(3)
Supreme Court, U.S.
FILED
06-461 AUG 29 2006
No: OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

UNITED STATE OF AMERICA,

Respondent,

vs.

JOSEPH O. SALADINO,

Petitioner,

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

SUPPLEMENTAL APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI

JOSEPH O. SALADINO
Pro se Litigant
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BOISE, IDAHO 83709
208-562-1089

September 12, 2006

TABLE OF CONTENTS

APPENDIX N **1**

ORDERS FROM THE USDC FOR THE CENTRAL DISTRICT OF CALIFORNIA 1

1. *Order No. 1 of January 20, 2005* *1*
2. *Order No. 2 of January 20, 2005* *7*
3. *Order of January 25, 2005* *16*

APPENDIX N

Orders from the USDC for the Central District of California

1. **Order No. 1 of January 20, 2005**

ENTERED	FILED
JAN 20, 2005 CENTRAL DISTRICT COURT OF CALIFORNIA	JAN 20, 2005 CENTRAL DISTRICT COURT OF CALIFORNIA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

	)	CV 04-02100 FMC
UNITED STATES OF AMERICA,	)	(JWJx)
	)	
Plaintiff	)	ORDER GRANTING
vs.	)	PLAINTIFF'S MOTION
	)	FOR SUMMARY
JOSEPH O. SALADINO,	)	JUDGMENT
individually doing business as Freedom and	)	
	)	ORDER DENYING DE-
Privacy Committee,	)	FENDANT'S MOTION
Defendant	)	FOR SUMMARY
	)	JUDGMENT

This matter is before the Court on Plaintiff's Motion for Summary Judgment (docket #49). This matter is also before the Court on Defendant's cross-Motion for Summary Judgment (docket #54). The Court has reviewed the moving and opposition papers. The Court deems this matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the hearing set for January 24, 2005, is removed from the Court's calendar.

As explained below, the Court grants the Government's Motion for Summary Judgment, and denies Defendant's Motion for Summary Judgment.

I. Introduction

On October 18, 2004, the Court found that Defendant's actions in promoting his tax programs violated 26 U.S.C. § 6700 and § 6701. Accordingly, pursuant to the Government's Motion, the Court entered a Preliminary Injunction, prohibiting Defendants from continuing to engage in the marketing of his tax programs.

The evidence submitted in connection with the preliminary injunction remains undisputed, and the Government moves for summary judgment. Specifically, the Government seeks the imposition of a permanent injunction on essentially the same terms as the preliminary injunction. The Government also requests the Court retain jurisdiction over this matter to ensure Defendant's compliance with its Orders. The Government asks that the Court order the Defendant to produce his customer list to the United States.[1] Finally, the Government requests post-judgment discovery, to monitor compliance with the Court's Orders.

Upon review of all the evidence submitted by the parties, including the evidence submitted in connection with the preliminary injunction, the Court finds no triable issue of fact as to the Government's claims. Accordingly, the Government is entitled to summary judgment. The Court has filed concurrently with this Order a permanent injunction.

II. Defendant's Arguments

Defendant raises a number of arguments in opposition to the Motion for Summary Judgment.

A. Jurisdiction

Defendant argues the Court lacks subject-matter jurisdiction. Jurisdiction over the present action, as noted by the Government in the Complaint, is conferred upon the Court by several statutes. See 28 U.S.C. § 1340 (confer-

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[1] The Government candidly acknowledges that it may already possess this information by virtue of a search warrant executed by the IRS in March 2004. Nevertheless, the Government notes that the files seized by agents executing the search warrant "are currently unavailable to IRS civil audit personnel." Motion at 7 n.18.

ring jurisdiction upon the district courts for actions involving Acts of Congress relating to internal revenue); 28 U.S.C. § 1345 (conferring jurisdiction on the district courts for actions brought by the United States); 26 U.S.C. § 7402 (conferring jurisdiction on the district courts to issue injunctions "as may be necessary or appropriate for the enforcement of the internal revenue laws"); 26 U.S.C. § 7408 (actions to enjoin promoters of abusive tax shelters "shall be brought" in the district court for the district in which the promoter resides).

Defendant also argues that the "Court has no...jurisdiction...to make any determination regarding the validity of the claim of right issues Defendant has before the IRS Appeals Office during the pendency of said appeal." Opposition at 12, citing 26 C.F.R. §§ 601.103, 601.106. By Defendant's reasoning, because he is involved in cases before the IRS Appeals Office that implicate this very issue, the Court is without jurisdiction to decide the issue. The Court rejects this argument. By virtue of the jurisdiction statutes cited above, this Court has jurisdiction over the issue of the validity of Defendant's "claim of right" tax program to the extent that it is necessary to adjudicate the Government's claim against him. Such adjudication will not result in the determination of the amount of taxes owed by any taxpayer, which is the issue pending before the IRS Appeals Office.

While these separate cases may implicate the same legal question, they do not involve the same issue such that jurisdiction in one forum precludes jurisdiction in another.

Defendant's jurisdictional challenges are without merit.

B. Contents of Website

Defendant suggests that he should not be held responsible for the contents of the website, <www.freedomcommittee.com>. Defendant states in his opposition:

> While Defendant, as a programmer, did create the majority of the FPC website, there is no evidence in the

> record confirming that Defendant was solely responsible for the content of said web pages, that he was cognizant of all the contents of the website[,] or that he had sole control of said web pages.... Defendant is a professional web designer/programmer. Programmers routinely create significant websites without contributing at all to the content of said developed/created websites. Plaintiff has no idea how FPC is organized and who is responsible for what activities in the date to day operation of the organization and cannot certify from firsthand knowledge which pages were allegedly created by Defendant and which were created by others in the FPC Organization.

Opposition at 13 and n.18. Defendant's representations are unconvincing in light of his earlier sworn affidavit, in which he claimed to be the "sole overseer" of the entity that maintains the website and in which he acknowledges that he uploaded the entire contents of the website:

> 2. Affiant can speak authoritatively for Freedom & Privacy Committee (FPC) since Affiant is the sole overseer of Freedom and Privacy Committee, a corporation sole.
>
> ....
>
> 4. Affiant is the webmaster and creater of the FPC Website located at http://www.freedomcommittee.com.
>
> 5. The content of the FPC Website was written by members in the FPC organization and Affiant jointly.
>
> 6. Although Affiant may not have written all the content, Affiant is responsible for having uploaded the content to the FPC Website.

Saladino Affidavit, October 8, 2004 (docket #32).

A party may not contradict earlier testimony in order to create a triable issue of fact. In his October 2004 affidavit, Defendant acknowledged his responsibility for the website in question. He described himself as the "sole overseer" of the entity that maintains the website. He acknowledged he uploaded the entire contents of the website. He may not now disclaim that responsibility.

C. First Amendment Rights

Defendant argues that requiring a church to meet the requirements set forth in 26 U.S.C. § 501(c)(3)[2] violates the Free Exercise Clause of the First Amendment. Defendant appears to be arguing that by denying tax-exempt status to the "churches" advocated by his "corporation sole" tax program, the Government is impinging on the right of the taxpayer claiming corporation sole status to freely exercise his or her religion. Defendant has cited no authority to support this proposition, and the Court, in its own research, has found none. To the contrary, courts have upheld Free Exercise Clause challenges to provisions of § 501(c)(3). See, e.g., *Bob Jones University v. United States*, 461 U.S. 574,103 S. Ct. 2017 (1983) (upholding against Free Exercise Clause challenge the revocation of tax-exempt status justified on public policy grounds where religious university prohibited inter-racial dating); *Branch Ministries v. Rossotti*, 211 F.3d 137 (D.C. Cir. 2000) (holding that it is permissible to condition tax-exempt status on church's agreement to limit its political activity).

Defendant's free exercise challenge is therefore without merit.

III. The Government's Requests for Relief

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[2] Section 501(c)(3) exempts from taxation charitable and religious entities, so long as certain conditions are met. That section provides that the following entities shall be exempt from taxation:

> (3) Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in subsection (h)), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

26 U.S.C. § 501(c)(3)

The Court is concurrently filing a permanent injunction.

The Court will retain jurisdiction to ensure compliance with the Court's Order. This is particularly appropriate in light of Defendant's apparent failure to comply with the Court's Order requiring him to post a copy of the Preliminary Injunction on his website.

The Court grants the Government's request that it be permitted to engage in post-judgment discovery to ensure compliance with the Court's order.

The Government requests that the Court order Defendant to provide copies of its customer list. Although the Court denies this request, the Court notes that Defendant's customer list is an appropriate subject for post-judgment discovery.

IV. Conclusion

The Court grants Plaintiffs Motion for Summary Judgment (docket #49) and denies Defendant's cross-Motion for Summary Judgment (docket #54).

The clerk shall file the previously lodged proposed Permanent Injunction Order.

The Court retains jurisdiction of this action for the purpose of implementing and enforcing the judgment. The Government may engage in post-judgment discovery as necessary to ensure Defendant's compliance with the Permanent Injunction.

Defendant is cautioned that failure to comply with the Court's Permanent Injunction may result in the imposition of civil contempt penalties sufficient to coerce his compliance.

The Government shall lodge a proposed judgment within ten days of the entry of this Order.

Dated: January 20, 2005

s/_____
FLORENCE-MARIE COOPER, JUDGE
UNITED STATES DISTRICT COURT

2. **Order No. 2 of January 20, 2005**

FILED
JAN 20, 2005
CENTRAL DISTRICT
COURT OF CALIFORNIA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	CV 04-02100 FMC (JWJx)
Plaintiff	)	PERMANENT IN-
vs.	)	JUNCTION ORDER
JOSEPH O. SALADINO, individually doing business as Freedom and Privacy Committee,	)	
Defendant	)	

Upon motion by-the Plaintiff United States of America, and based on the record in this case, including evidence presented in the motion for preliminary injunction, and at the hearings held in this case, a permanent injunction is hereby entered against defendant Joseph 0. Saladino. The Court finds and orders as follows:

Standards for Permanent Injunction

In order to obtain a permanent injunction pursuant to 26 U.S.C. § (Internal Revenue Code, "IRC") § 7408, the United States must show that (1) defendant either engaged in conduct subject to penalty under IRC §§ 6700 or 6701; and (2) injunctive relief is appropriate to prevent the recurrence of such conduct. The Court may issue an injunction under IRC § 7402 "as may be necessary or appropriate for the enforcement of the internal revenue laws." IRC § 7402(a).

Findings of Fact

1. This Court has jurisdiction over the parties and subject matter of this case.

2. Joseph 0. Saladino, a self-professed tax expert, promotes abusive tax shelters, referred to herein as the "corporation sole" program and the "claim of right" program. He conducts his business through Freedom & Privacy Committee ("FPC").

3. According to its promotional material, FPC "is an educational organization dedicated to helping you reclaim 100% of your FREEDOM and PRIVACY. You may think you are free, but anyone who has been hoodwinked by the legal system (i.e., traffic tickets, IRS confiscations, etc.) knows in their heart that something is seriously wrong with the system and the government." Further, FPC markets its products to those persons "convinced that you are NOT required to pay Federal Income Tax and [ ] need help getting free from the IRS. We fully support legal taxes but not direct taxes which are prohibited by the Constitution of the United States."I

4. Saladino's tax promotion involves a multi-level marketing organization that relies on management and subpromoters. Wholesale packages of the tax programs are purchased by subpromoters directly through Saladino and FPC. The subpromoters (or salesmen) then sell the packages to the participants. Saladino and FPC are involved in each transaction and have complete participant information, although the actual sale transactions may occur between the participant and the FPC subpromoter. Participants or purchasers are encouraged to become FPC subpromoters and further market the scheme.

5. Saladino markets the abusive FPC tax program nationwide through internet websites, including the FPC website www.freedomcommittee.com, conference calls, and seminars. Subpromoters receive their own internet web page, which is linked directly to the FPC main website. Membership in the FPC organization costs $200, with a $100 annual renewal fee. FPC advertises that membership "can eliminate your personal income taxes"

and permits participants to "operate a business tax free and still enjoy limited liabilities."

6. There are hundreds of participants located nationwide in Saladino's promotion.

The Corporation Sole Package

7. Saladino markets the FPC "corporation sole" arrangement as a means to evade the reporting and payment of federal income taxes, as well as a means to conceal assets and thereby evade estate and inheritance taxes and IRS collection efforts. Saladino markets the corporation sole package for $2,295. After receiving a customer's application and payment, Saladino instructs participants how to form a corporation sole, including how to conceal assets and taxable income by transferring assets and income to their corporations sole.

8. Saladino falsely or fraudulently advises participants that they: can treat their corporations sole as a "church" with no tax return filing requirement, and yet can control and use the assets and income of the corporation sole for their own personal benefit. FPC promotional material states that "this product will position you to have full-time ministry which is tax free." Saladino advises participants that corporations sole that are used for the participants' personal benefit are tax exempt, do not need to file tax returns of any kind, and do not need to keep records. Saladino also falsely states that a corporation sole's church status cannot be challenged by the Government.

9. Saladino further falsely states that participants can make donations to their corporations sole and then deduct the donations on the participants' federal income tax returns (in the event returns are filed), even though the entities are owned and controlled by the participants.

10. Saladino falsely or fraudulently advises that a participant who becomes the "minister" or "overseer" of the corporation sole and takes a vow of poverty, can assign his income to the corporation sole and thereby transform taxable individual income into nontaxable income of the corporation sole. According to Saladino, "Once you declare

your pauper status, your income is tax-free to you and "your assets cannot be encumbered with a property tax."

11. Saladino falsely or fraudulently states that a corporation sole can be engaged in any occupation, business or profession, and that all earnings therefrom are tax exempt, and that no tax return need be filed. Saladino also advises that if the participant's residence or real estate is titled in the name of the corporation sole, then the individual can use and maintain it as a tax-exempt parsonage, and that the corporation sole can provide the participant housing or a housing allowance that is tax exempt.

12. Saladino falsely or fraudulently touts participating in the corporation sole program as a mechanism that enables participants to drop out of the federal tax system entirely. The effect of Saladino's scheme is that the participant lives in the same residence and operates the same business activity as he did prior to joining the program. All living expenses of the participant and his family are paid from compensation earned from the business activity, just as before the creation of the corporation sole. The participant receives the full benefit of, and has full control over, all corporation sole funds. The only substantive change in the participants' regular business and lifestyle activities is the alleged benefit of no taxation.

The Claim of Right Package

13. The claim of right promotion involves filing erroneous income tax returns or claims for refund. The cost of the claim of right package to participants is $1,095 for the, first year and $250 for additional years, plus 25% of each refund above the first $1,000 received.

14. Saladino asserts that taxpayers have an alleged common-law and constitutional right to exclude from taxation all compensation for personal services or labor rendered. According to Saladino, the claim of right package "is used to claim that `compensation for personal labor' may be excluded from taxation." Saladino falsely states that the program "allows most people who work for wages and do not have profits from sources that are not directly attributable to their labor to reduce their taxable

income to zero, which results in no taxes due in most cases." He falsely asserts that either IRC § 183, 212 or 1341 or codifies this so-called common-law or constitutional right and entitles participants to take a deduction in the amount of compensation earned, which in most cases eliminates a participant's tax liability. According to Saladino, this can be done by claiming an itemized deduction to offset wages reported on W-2 forms, or by taking a Schedule C deduction to offset any net income from self-employment.

15. Saladino falsely states that participants in the FPC claim of right scheme are able to recover all of their withheld income and social security taxes, and also to eliminate any self-employment tax. Also, "[t]his program allows one to get a refund of all taxes (including Social Security, Medicare, etc.) withheld from paychecks. This is the only lawful approach to eliminating the IRS from your life." According to promotional materials, FPC "will assist clients correct their 1040 (1040X) returns for new and existing members in such a way that they may receive back all federal withholding taxes and social security/medicare overpayments." Saladino has signed numerous federal income tax returns as a return preparer for persons taking fraudulent claim of right deductions.

16. FPC promotional material further falsely asserts that "[this program is in strict adherence to IRC Code," and "this program is in compliance with IRC rules and regulations." Saladino makes these claims even though the IRS has disallowed the claim of right deductions on his own income tax returns for the years 1998 through 2001. The IRS has assessed frivolous return penalties against Saladino for each of those returns. In addition, as Saladino is aware, the Government is vigorously opposing his customers' claim of right deductions in Court of Federal Claims litigation.

17. Saladino requests that participants in the claim of right program furnish him with their personal tax information, including tax returns, so that he can modify the returns to conform to his tax program. In order to join the

claim of right program, participants are required to give Saladino power of attorney to represent them before the Internal Revenue Service for the tax years in which they ii take part in the program. Saladino is supporting his claim of right program in litigation in the United States Court of Federal Claims, either by supervising his customers' cases or by having the customers assign their alleged refund rights to him. Saladino has not been successful in that forum.

18. Both the corporation sole and the claim of right programs are identified in the IRS's annual consumer alert of tax scams.

19. Saladino has substantially interfered with the administration and enforcement of the nation's tax laws. Participation in Saladino's abusive program results in customers failing to file federal income tax returns, failing to file proper and accurate returns, and/or failing to pay their federal tax liabilities. This results in irreparable harm to the United States.

20. Saladino's corporation sole and claim of right programs are frivolous and without merit. Saladino knew or should have known that his representations regarding the tax benefits of the programs are false or fraudulent. Furthermore, Saladino aids in or assists in the preparation of federal tax returns or claims for refund that he knows, if used, would result in an understatement of tax liability.

Conclusions of Law

1. Based upon the factual findings and evidence presented by the parties, the Court finds that Saladino is engaging in conduct in violation of IRC §§ 6700 and 6701, and that injunctive relief is appropriate to prevent the recurrence of that conduct.

2. The Court also finds that Saladino is engaging in conduct that interferes with the enforcement of the internal revenue laws, and that the United States and the public will suffer irreparable harm in the absence of a permanent injunction.

3. Based on the evidence and argument presented, Saladino's position is frivolous and the United States has

prevailed on the merits. The public interest will be served by granting a permanent injunction.

4. Also, it is evident that Saladino will continue to violate the Internal Revenue Code absent an injunction, and, that the United States has no adequate remedy at law to stop Saladino's abusive tax schemes.

5. Accordingly, the Court finds that Saladino, and any business or entity through which he operates, and anyone acting in concert with him, should be permanently enjoined under IRC §§ 7408 and 7402(a).

Order

Based on the foregoing factual findings and for good cause shown, entry of a permanent injunction is appropriate. Therefore, it is hereby

ORDERED that Defendant Joseph 0. Saladino, individually and doing business as Freedom & Privacy Committee, or as any other entity, and his representatives, agents, servants, employees, attorneys, and those persons in active concert or participation with him, including his distributors, is permanently enjoined from directly or indirectly:

(1) Organizing, promoting, marketing, or selling any abusive tax shelter, plan or arrangement that advises or encourages taxpayers to attempt to violate the internal revenue laws or unlawfully evade the assessment or collection of their federal tax liabilities, including the corporation sole and claim of right programs;

(2) Making false statements about the allowability of any deduction or credit, the excludability of any income, or the securing of any tax benefit by participating in such tax shelters, plans or arrangements;

(3) Encouraging, instructing, advising or assisting others to violate the tax laws, including to evade the payment of taxes;

(4) Engaging in conduct subject to penalty under IRC § 6700, i.e., by making or furnishing, in connection with the organization or sale of an

abusive shelter, plan, or arrangement, a statement the defendant knows or has reason to know to be false or fraudulent as to any material matter;

(5) Engaging in conduct subject to penalty under IRC § 6701, i.e., preparing or assisting others in the preparation of any tax forms or other documents to be used in connection with any material matter arising under the internal revenue laws and which the defendant knows will (if so used) result in the understatement of tax liability;

(6) Engaging in any conduct that interferes with the administration and enforcement of the internal revenue laws by the Internal Revenue Service; and

(7) Representing any persons or entities before the Internal Revenue Service in any manner, directly or indirectly.

Further, IT IS HEREBY ORDERED that Saladino, at his own expense, contact by mail (or by e-mail, if an address is unknown) all individuals who have previously purchased his abusive tax shelters, plans, arrangements or programs, including the corporation sole program and the claim of right program, and inform those individuals of the Court's findings concerning the falsity of the defendant's prior representations and provide a copy of this Permanent Injunction Order to those persons, and to file with the Court, within 15 days of the date of this Order, a certification that he has done so;

Further, IT IS HEREBY ORDERED that Saladino and his representatives, agents, servants, employees, attorneys, and those persons in active concert or participation with him, including his distributors, remove from their websites, including www.freedomcornmittee.com, all abusive tax scheme promotional materials, false commercial speech, and materials designed to incite others imminently to violate the law (including the tax laws), to display prominently on the first page of those websites a

complete copy of this Order, and to maintain the websites, at their own expense, for one year with a complete copy of the Court's permanent injunction so displayed throughout that time; and to file with the Court, within 15 days of the date of this Order, a certification that he has done so;

Further, IT IS HEREBY ORDERED that the United States is permitted to engage in post judgment discovery to ensure compliance with the permanent injunction; and

Further, IT IS HEREBY ORDERED that this Court shall retain jurisdiction of this action for the purpose of implementing and enforcing this Final Judgment.

There being no just reason for delay, the Clerk is directed to enter this Final Judgment forthwith.

Dated: Jan. 20, 2005

s/_____
FLORENCE-MARIE COOPER, JUDGE
UNITED STATES DISTRICT COURT

3. **Order of January 25, 2005**

ENTERED	FILED
JAN 26, 2005 CENTRAL DISTRICT COURT OF CALIFORNIA	JAN 25, 2005 CENTRAL DISTRICT COURT OF CALIFORNIA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff vs. JOSEPH O. SALADINO, individually doing business as Freedom and Privacy Committee, Defendant	)	CV 04-02100 FMC (JWJx) JUDGMENT

Upon motion for summary judgment by the plaintiff, United States of America, judgment is hereby entered in favor of the plaintiff and against the defendant, Joseph 0. Saladino, individually and d/b/a Freedom & Privacy Committee. It is hereby

ORDERED that defendant Joseph 0. Saladino, individually and doing business as Freedom & Privacy Committee, or as any other entity, and his representatives, agents, servants, employees, attorneys, and those persons in active concert or participation with him, including his distributors, is permanently enjoined from directly or indirectly:

(1) Organizing, promoting, marketing, or selling any abusive tax shelter, plan or arrangement that advises or encourages taxpayers to attempt to violate the internal revenue laws or unlawfully evade the assessment or collection of their federal tax li-

abilities, including the corporation sole and claim of right programs;

(2) Making false statements about the allowability of any deduction or credit, the excludability of any income, or the securing of any tax benefit by participating in such tax shelters, plans or arrangements;

(3) Encouraging, instructing, advising or assisting others to violate the tax laws, including to evade the payment of taxes;

(4) Engaging in conduct subject to penalty under IRC § 6700, i.e., by making or furnishing, in connection with the organization or sale of an abusive shelter, plan, or arrangement, a statement the defendant knows or has reason to know to be false or fraudulent as to any material matter;

(5) Engaging in conduct subject to penalty under IRC § 6701, i.e., preparing or assisting others in the preparation of any tax forms or other documents to be used in connection with any material matter Arising under the internal revenue laws and which the defendant knows will (if so used) result in the understatement of tax liability;

(6) Engaging in any conduct that interferes with the administration and enforcement of the internal revenue laws by the internal revenue service; and

(7) Representing any persons or entities before the internal revenue service in any manner, directly or indirectly.

Further, IT IS HEREBY ORDERED that Saladino, at his own expense, contact by mail (or by e-mail, if an address is unknown) all individuals who have previously purchased his abusive tax shelters, plans, arrangements or programs, including the corporation sole program and the claim of right program, and inform those individuals of the court's findings concerning the falsity of the defendant's prior representations and provide a copy of the permanent injunction order entered January 20, 2005, to

those persons, and to file with the court, by February 4, 2005, a certification that he has done so;

Further, it is hereby ordered that Saladino and his representatives, agents, servants, employees, attorneys, and those persons in active concert or participation with him, including his distributors, remove from their websites, including www.freedomcomrnittee.com all abusive tax scheme promotional materials, false commercial speech, and materials designed to incite others imminently to violate the law (including the tax laws), to display prominently on the first page of those websites a complete copy of the permanent injunction order, and to maintain the websites, at their own expense, for one year with a complete copy of the court's permanent injunction so displayed throughout that time; and to file with the court, by February 4, 2005, a certification that he has done so;

Further, it is hereby ordered that the United States is permitted to engage in post judgment discovery to ensure compliance with the permanent injunction; and

Further, it is hereby ordered that this court shall retain jurisdiction of this action for the purpose of implementing and enforcing this final judgment.

Dated: 1/25/05

s/_____
FLORENCE-MARIE COOPER, JUDGE
UNITED STATES DISTRICT COURT